

# HB5238



## 97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5238

Introduced 2/8/2012, by Rep. John D'Amico

### SYNOPSIS AS INTRODUCED:

705 ILCS 105/27.3a

Amends the Clerks of Courts Act. Makes a technical change in a Section concerning fees.

LRB097 15100 AJO 60199 b

A BILL FOR

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Clerks of Courts Act is amended by changing  
5 Section 27.3a as follows:

6 (705 ILCS 105/27.3a)

7 (Text of Section before amendment by P.A. 97-46)

8 Sec. 27.3a. Fees for automated record keeping and State  
9 Police operations.

10 1. The ~~The~~ expense of establishing and maintaining  
11 automated record keeping systems in the offices of the clerks  
12 of the circuit court shall be borne by the county. To defray  
13 such expense in any county having established such an automated  
14 system or which elects to establish such a system, the county  
15 board may require the clerk of the circuit court in their  
16 county to charge and collect a court automation fee of not less  
17 than \$1 nor more than \$15 to be charged and collected by the  
18 clerk of the court. Such fee shall be paid at the time of  
19 filing the first pleading, paper or other appearance filed by  
20 each party in all civil cases or by the defendant in any  
21 felony, traffic, misdemeanor, municipal ordinance, or  
22 conservation case upon a judgment of guilty or grant of  
23 supervision, provided that the record keeping system which

1 processes the case category for which the fee is charged is  
2 automated or has been approved for automation by the county  
3 board, and provided further that no additional fee shall be  
4 required if more than one party is presented in a single  
5 pleading, paper or other appearance. Such fee shall be  
6 collected in the manner in which all other fees or costs are  
7 collected.

8 1.5. Starting on the effective date of this amendatory Act  
9 of the 96th General Assembly, a clerk of the circuit court in  
10 any county that imposes a fee pursuant to subsection 1 of this  
11 Section, shall charge and collect an additional fee in an  
12 amount equal to the amount of the fee imposed pursuant to  
13 subsection 1 of this Section. This additional fee shall be paid  
14 by the defendant in any felony, traffic, misdemeanor, local  
15 ordinance, or conservation case upon a judgment of guilty or  
16 grant of supervision.

17 2. With respect to the fee imposed under subsection 1 of  
18 this Section, each clerk shall commence such charges and  
19 collections upon receipt of written notice from the chairman of  
20 the county board together with a certified copy of the board's  
21 resolution, which the clerk shall file of record in his office.

22 3. With respect to the fee imposed under subsection 1 of  
23 this Section, such fees shall be in addition to all other fees  
24 and charges of such clerks, and assessable as costs, and may be  
25 waived only if the judge specifically provides for the waiver  
26 of the court automation fee. The fees shall be remitted monthly

1 by such clerk to the county treasurer, to be retained by him in  
2 a special fund designated as the court automation fund. The  
3 fund shall be audited by the county auditor, and the board  
4 shall make expenditure from the fund in payment of any cost  
5 related to the automation of court records, including hardware,  
6 software, research and development costs and personnel related  
7 thereto, provided that the expenditure is approved by the clerk  
8 of the court and by the chief judge of the circuit court or his  
9 designate.

10 4. With respect to the fee imposed under subsection 1 of  
11 this Section, such fees shall not be charged in any matter  
12 coming to any such clerk on change of venue, nor in any  
13 proceeding to review the decision of any administrative  
14 officer, agency or body.

15 5. With respect to the additional fee imposed under  
16 subsection 1.5 of this Section, the fee shall be remitted by  
17 the circuit clerk to the State Treasurer within one month after  
18 receipt for deposit into the State Police Operations Assistance  
19 Fund.

20 6. With respect to the additional fees imposed under  
21 subsection 1.5 of this Section, the Director of State Police  
22 may direct the use of these fees for homeland security purposes  
23 by transferring these fees on a quarterly basis from the State  
24 Police Operations Assistance Fund into the Illinois Law  
25 Enforcement Alarm Systems (ILEAS) Fund for homeland security  
26 initiatives programs. The transferred fees shall be allocated,

1 subject to the approval of the ILEAS Executive Board, as  
2 follows: (i) 66.6% shall be used for homeland security  
3 initiatives and (ii) 33.3% shall be used for airborne  
4 operations. The ILEAS Executive Board shall annually supply the  
5 Director of State Police with a report of the use of these  
6 fees.

7 (Source: P.A. 96-1029, eff. 7-13-10; 97-453, eff. 8-19-11.)

8 (Text of Section after amendment by P.A. 97-46)

9 Sec. 27.3a. Fees for automated record keeping and State and  
10 Conservation Police operations.

11 1. The ~~The~~ expense of establishing and maintaining  
12 automated record keeping systems in the offices of the clerks  
13 of the circuit court shall be borne by the county. To defray  
14 such expense in any county having established such an automated  
15 system or which elects to establish such a system, the county  
16 board may require the clerk of the circuit court in their  
17 county to charge and collect a court automation fee of not less  
18 than \$1 nor more than \$15 to be charged and collected by the  
19 clerk of the court. Such fee shall be paid at the time of  
20 filing the first pleading, paper or other appearance filed by  
21 each party in all civil cases or by the defendant in any  
22 felony, traffic, misdemeanor, municipal ordinance, or  
23 conservation case upon a judgment of guilty or grant of  
24 supervision, provided that the record keeping system which  
25 processes the case category for which the fee is charged is

1 automated or has been approved for automation by the county  
2 board, and provided further that no additional fee shall be  
3 required if more than one party is presented in a single  
4 pleading, paper or other appearance. Such fee shall be  
5 collected in the manner in which all other fees or costs are  
6 collected.

7 1.5. Starting on the effective date of this amendatory Act  
8 of the 96th General Assembly, a clerk of the circuit court in  
9 any county that imposes a fee pursuant to subsection 1 of this  
10 Section, shall charge and collect an additional fee in an  
11 amount equal to the amount of the fee imposed pursuant to  
12 subsection 1 of this Section. This additional fee shall be paid  
13 by the defendant in any felony, traffic, misdemeanor, or local  
14 ordinance case upon a judgment of guilty or grant of  
15 supervision. This fee shall not be paid by the defendant for  
16 any conservation violation listed in subsection 1.6 of this  
17 Section.

18 1.6. Starting on July 1, 2012 (the effective date of Public  
19 Act 97-46) ~~this amendatory Act of the 97th General Assembly~~, a  
20 clerk of the circuit court in any county that imposes a fee  
21 pursuant to subsection 1 of this Section shall charge and  
22 collect an additional fee in an amount equal to the amount of  
23 the fee imposed pursuant to subsection 1 of this Section. This  
24 additional fee shall be paid by the defendant upon a judgment  
25 of guilty or grant of supervision for a conservation violation  
26 under the State Parks Act, the Recreational Trails of Illinois

1 Act, the Illinois Explosives Act, the Timber Buyers Licensing  
2 Act, the Forest Products Transportation Act, the Firearm Owners  
3 Identification Card Act, the Environmental Protection Act, the  
4 Fish and Aquatic Life Code, the Wildlife Code, the Cave  
5 Protection Act, the Illinois Exotic Weed Act, the Illinois  
6 Forestry Development Act, the Ginseng Harvesting Act, the  
7 Illinois Lake Management Program Act, the Illinois Natural  
8 Areas Preservation Act, the Illinois Open Land Trust Act, the  
9 Open Space Lands Acquisition and Development Act, the Illinois  
10 Prescribed Burning Act, the State Forest Act, the Water Use Act  
11 of 1983, the Illinois Youth and Young Adult Employment Act of  
12 1986, the Snowmobile Registration and Safety Act, the Boat  
13 Registration and Safety Act, the Illinois Dangerous Animals  
14 Act, the Hunter and Fishermen Interference Prohibition Act, the  
15 Wrongful Tree Cutting Act, or Section 11-1426.1, 11-1426.2,  
16 11-1427, 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or  
17 11-1427.5 of the Illinois Vehicle Code.

18 2. With respect to the fee imposed under subsection 1 of  
19 this Section, each clerk shall commence such charges and  
20 collections upon receipt of written notice from the chairman of  
21 the county board together with a certified copy of the board's  
22 resolution, which the clerk shall file of record in his office.

23 3. With respect to the fee imposed under subsection 1 of  
24 this Section, such fees shall be in addition to all other fees  
25 and charges of such clerks, and assessable as costs, and may be  
26 waived only if the judge specifically provides for the waiver

1 of the court automation fee. The fees shall be remitted monthly  
2 by such clerk to the county treasurer, to be retained by him in  
3 a special fund designated as the court automation fund. The  
4 fund shall be audited by the county auditor, and the board  
5 shall make expenditure from the fund in payment of any cost  
6 related to the automation of court records, including hardware,  
7 software, research and development costs and personnel related  
8 thereto, provided that the expenditure is approved by the clerk  
9 of the court and by the chief judge of the circuit court or his  
10 designate.

11 4. With respect to the fee imposed under subsection 1 of  
12 this Section, such fees shall not be charged in any matter  
13 coming to any such clerk on change of venue, nor in any  
14 proceeding to review the decision of any administrative  
15 officer, agency or body.

16 5. With respect to the additional fee imposed under  
17 subsection 1.5 of this Section, the fee shall be remitted by  
18 the circuit clerk to the State Treasurer within one month after  
19 receipt for deposit into the State Police Operations Assistance  
20 Fund.

21 6. With respect to the additional fees imposed under  
22 subsection 1.5 of this Section, the Director of State Police  
23 may direct the use of these fees for homeland security purposes  
24 by transferring these fees on a quarterly basis from the State  
25 Police Operations Assistance Fund into the Illinois Law  
26 Enforcement Alarm Systems (ILEAS) Fund for homeland security

1 initiatives programs. The transferred fees shall be allocated,  
2 subject to the approval of the ILEAS Executive Board, as  
3 follows: (i) 66.6% shall be used for homeland security  
4 initiatives and (ii) 33.3% shall be used for airborne  
5 operations. The ILEAS Executive Board shall annually supply the  
6 Director of State Police with a report of the use of these  
7 fees.

8 7. ~~6.~~ With respect to the additional fee imposed under  
9 subsection 1.6 of this Section, the fee shall be remitted by  
10 the circuit clerk to the State Treasurer within one month after  
11 receipt for deposit into the Conservation Police Operations  
12 Assistance Fund.

13 (Source: P.A. 96-1029, eff. 7-13-10; 97-46, eff. 7-1-12;  
14 97-453, eff. 8-19-11; revised 10-4-11.)

15 Section 95. No acceleration or delay. Where this Act makes  
16 changes in a statute that is represented in this Act by text  
17 that is not yet or no longer in effect (for example, a Section  
18 represented by multiple versions), the use of that text does  
19 not accelerate or delay the taking effect of (i) the changes  
20 made by this Act or (ii) provisions derived from any other  
21 Public Act.